8° G 1675/1 (1) 347852

I. Three Clauſes in the Quarentine Act, VII. GEORGII.
II. The Petition of the City of *London* to the Houſe of Lords:
III. Their Lordſhips Proteſt on rejecting the ſaid Petition.
IV. Another Proteſt of their Lordſhips: And,
V. Another Proteſt of their Lordſhips, on Sir *George Bing*'s Attacking the *Spaniſh* Fleet.

---

*The Clauſes in the Quarentine-Act*, VII. GEORGII.

*AND be it further Enacted, That if any* Perſon infected with the Plague, *or obliged to perform Quarentine, ſhall wilfully refuſe or neglect to repair within convenient time, after due Notice for that Purpoſe given to him, her, or them, by the proper Officer, to the Ship, Houſe, Lazaret, or other Place duly appointed for him, her, or them; or having been placed in ſuch Ship, Houſe, Lazaret, or other Place, ſhall eſcape, or attempt to eſcape out of the ſame, whilſt he, ſhe, or they ſhall continue infected, or before Quarentine fully performed reſpectively; It ſhall and may be Lawful to and for the Watchmen and other Perſons, appointed to ſee Quarentine performed, by* any kind of Violence *that the Caſe ſhall require, to compel every ſuch Perſon ſo refuſing or neglecting, as aforeſaid, and every ſuch Perſon ſo eſcaping, or attempting to eſcape, as aforeſaid, to repair or return into ſuch Ship, Houſe, Lazaret, or other Place, ſo appointed for him, or her, as aforeſaid; and every ſuch Perſon ſo refuſing or neglecting to repair within convenient time after ſuch Notice, as aforeſaid, into ſuch Ship, Houſe, Lazaret, or other Place appointed for him, or her, as aforeſaid, and alſo every Perſon actually eſcaping, as aforeſaid, ſhall be adjudged Guilty of* Felony, *and ſhall ſuffer* Death *as a* Felon *without* Benefit of Clergy.

*And be it further Enacted, That if any* Perſon *not infected, nor liable to perform Quarentine, ſhall preſume to enter any Ship, Houſe, Lazaret, or other Place ſo appointed, as aforeſaid, whilſt any Perſon or Perſons ſo infected, or being under Quarentine, ſhall be therein, and ſhall returne or attempt to return from thence, unleſs in ſuch Caſes, and by ſuch proper Licence, as ſhall be directed or permitted by ſuch Order or Orders, made or to be made and notified, as aforeſaid, It ſhall and may be Lawful to and for the Watchmen, or other Perſons appointed to guard or ſecure ſuch Ship, Houſe, Lazaret, or other Place, ſo appointed, as aforeſaid, by* any kind of Violence *that the Caſe ſhall require, to compel ſuch Perſon, ſo returning, or attempting to return, to repair into ſome Ship, Houſe, Lazaret, or other Place, ſo appointed, as aforeſaid, there to continue*

*and perform Quarentine; and in case such Person shall actually escape out of such Ship, House, Lazaret, or other Place, where he, or she shall be so placed for Performance of Quarentine, before he or she shall have fully performed the same, he or she shall be adjudged Guilty of* Felony, *and shall suffer* Death as a Felon *without* Benefit of Clergy.

*And be it further Enacted by the Authority aforesaid, That if at any time or times hereafter, any* City, Town, *or* Place *within* Great Britain, *or* Ireland, *shall be infected with the Plague, it shall and may be Lawful to and for His Majesty, His Heirs and Successors, to cause* one or more Line, or Lines, Trench or Trenches, *to be cast up or made about such infected City, Town or Place, at a convenient Distance from the same, in Order to cut off the Communication between such infected City, Town, or Place, and the Rest of the Country; and to prohibit all* Persons, Goods, *and* Merchandizes whatsoever, *to enter, pass, or be carried over such Lines or Trenches, unless in such Cases, and by such proper Licence, and subject to such Regulations and Restrictions for Performance of Quarentine, as shall be directed or permitted by any such Order or Orders, made or to be made and notified, as aforesaid; and in Case any Person or Persons, being within such Lines or Trenches, or any of them, shall, during the time of such infection, presume or attempt to come out of the same, unless in such Cases, and by such proper Licence, and subject to such Regulations and Restrictions for Performance of Quarentine, as shall be directed or permitted by such Order or Orders, made or to be made and notified, as aforesaid; It shall and may be Lawful to and for the Watchmen, or Persons appointed to guard or secure such Lines or Trenches, or any of them, by* any kind of Violence *that the Case shall require, to compel all and every such* Person *and* Persons *to return back within such Lines or Trenches; and in case any Person shall actually come out of such Lines or Trenches, or any of them (unless in such Cases, and by such proper Licence, and subject to such Regulations and Restrictions as aforesaid) every such* Person *shall be adjudged Guilty of* Felony, *and suffer* Death *as a* Felon *without Benefit of Clergy.*

---

## *The Petition of the City of* London *to the House of Lords*

*Die Mercurii 6 Decembris,* 1721.

A Petition of the Lord Mayor, Aldermen, and Commons of the City of *London*, in Common-Council assembled, was presented to the House and read, setting forth, That it appearing by the Inspection of the Journal of this House, that their Lordships have now under Consideration, the Amendment of an Act pass'd in a late Session of Parliament, Entitled, [*An Act for Repealing an Act made in the Ninth Year of the Reign of Her late Majesty Queen* ANNE, Entitled, *An Act to oblige Ships coming from Places Infected, more effectually to perform their Quarentine, and for the better preventing the Plague being brought from Foreign Parts into* Great Britain *or* Ireland



WELLCOME LIBRARY INSTITUTE

*or the Iſles of* Guernſey, Jerſey, Alderneſs, Sark *or* Man, *and to hinder the ſpreading of Infection:*] That the Petitioners conceive, that in ſome Clauſes of that Act, not only the Rights, Privileges, and Immunities, but the Trade, Safety, and Proſperity of the City of *London* are highly concerned; and praying, That they may be heard by their Council, or otherwiſe, in relation to the ſaid Act, at ſuch Time, and in ſuch Manner, as their Lordſhips ſhall judge moſt proper and expedient.

And a Motion being made, That the ſaid Petition be rejected. After Debate, The Queſtion was put, Whether the ſaid Petition ſhall be rejected?

It was reſolved in the Affirmative.

---

## *Their Lordſhips Proteſt on rejecting the ſaid Petition.*

*Diſſentient.*

I. BEcauſe the Liberty of Petitioning the King (much more that of Petitioning either Houſe of Parliament, is the Birth-right of the Free People of this Realm, claimed by them, and confirmed to them, ſoon after the Revolution, in an Act, *Declaring the Rights and Liberties of the Subject, and ſettling the Succeſſion of the Crown:* And, whenever any remarkable Check hath been given to the free Exerciſe of this Right, it hath always been attended with ill Conſequences to the Publick.

II. Becauſe the Petition ſo rejected was, in our Opinion, every Way proper and unexceptionable, both as to the Manner of Wording and Preſenting it, and the Matter to which it refer'd; nothing being more natural and reaſonable, than that any Corporate Body ſhould, if they deſire it, be heard upon any Bill under the Conſideration of Parliament, whereby they judge their particular Intereſts to be highly, tho' not ſolely affected. This Liberty, we remember to have been granted, in a late Seſſion, to the Traders of *Norwich*, upon their Petition touching the *Callico-Bill:* Nor are we aware, that it hath ever, in like Circumſtances, been refuſed to the meaneſt Corporation in the Kingdom: But if it had, we humbly conceive, that in this Caſe, a Diſtinction might have been made in favour of the *City of London*; which being the Centre of Credit, of the Trade and Money'd Intereſt of the Kingdom, and the Place where the Plague, ſhould we be viſited by it, is moſt likely firſt to appear: And having alſo remarkably ſuffer'd by Means of the late fatal *South-Sea-Scheme*, was, we think, in a particular Manner, intitled to apply for Relief againſt ſome Clauſes in the *Quarentine-Act*, and deſerved to have been treated, on that Occaſion, with more Indulgence and Tenderneſs.

III. Becauſe the rejecting the ſaid Petition tends, we conceive, to diſcountenance all Petitions for the future, in Caſes of a publick and general

general Concern; and, by that Means, to deprive the Legiſlature of proper Lights, which they might otherwiſe receive; it being no ways probable that Subjects, or Societies of leſs Conſideration, will venture to repreſent their Senſe, in Caſes of like Nature, after the *City of London* have been thus refuſed to be heard.

IV. Becauſe as the Receiving this Petition could have no ill Conſequences, as we conceive, nor have given any great Interruption to the Buſineſs of Parliament; ſo the rejecting it, may, we think, widen the unhappy Differences that have ariſen, and increaſe the Diſſatisfaction to the Government, which hath already too much prevailed in this Kingdom.

V. Becauſe the Arguments uſed on the Debate, ſeem to us not to be of ſufficient Force: For we cannot conceive, that, becauſe the ſaid *Act of Quarentine* is a general Act, therefore no particular Community or City, who think they may, in a diſtinguiſhing Manner, be prejudiced by it, have a Right to be heard in relation to it; and that, at a Time, when it is under the Conſideration of Parliament. Nor can we be of Opinion, That a Petition agreed on by the *Lord Mayor, Aldermen, and Citizens of London, in Common-Council aſſembled*, and preſented, not even by the Numbers allowed by Law, but by a Lord of this Houſe, can poſſibly be a *Prelude* or *Example towards introducing Tumultuous Petitions*; much leſs can we ſee, why it ought the rather to be rejected, becauſe it came from ſo great a Body as the *City of London*. On the contrary, we apprehend, that an univerſal Grievance, which may be occaſioned by any general Act, muſt be repreſented to the Legiſlature, by particular Perſons, or Bodies Corporate, or elſe it cannot be repreſented at all; That the Rejecting ſuch Petitions, and not the Receiving them, is the Way to *occaſion Diſorders and Tumults*; and, That the more Conſiderable the Body is, the more Regard ſhould be had to any Applications they make; eſpecially for Matters, wherein not only the Rights, Privileges, and Immunities, but alſo their Trade, Safety, and Proſperity are, as the Petition avers, highly concerned.

*Briſtol,*
*St. John de Bletſoe,*
*Fran. Ceſtriens,*
*Cowper,*
*Bathurſt,*
*Boyle,*

*Ailesford,*
*Strafford,*
*Aberdeen,*
*Gower,*
*Fran. Roſſen,*
*Litchfield,*

*North* and *Grey*
*Trevor,*
*Guilford,*
*Bingley,*
*Uxbridge.*

*Die Mercurii, 13 Decembris, 1721.*

A Motion was made, and the Queſtion being put, *That a Bill be brought in for the Repeal of ſo much of the Act paſs'd laſt Year relating to the Plague, as gives a Power to remove to a Lazaret, or Peſt-Houſe, any Perſons whatſoever Infected with the* Plague, *or* healthy Perſons *out of an Infected Family, from their* Habitations *(tho' diſtant from any other Dwelling-houſe:) And alſo ſo much of the ſaid Act as gives Power for the Drawing* Lines *or* Trenches *round any City, Town, or Place Infected.*

It was reſolved in the Negative.

*Diſſentient.*

I. BECAUSE the Powers ſpecify'd in the Queſtion, ſeem to us ſuch, as can never wiſely or uſefully be put in Execution. For by the Firſt of them, Perſons of what Rank or Condition ſoever, either actually infected, or being in the ſame Habitation, tho' in Lone-houſes, where they are well accommodated, and from whence there is no danger of propagating the Infection, may be forcibly remov'd into common Lazarets or Peſt-houſes. And it does not appear to us, that ſuch a Power could at any Time be reaſonably executed, and therefore we conceive it ſhould be Repealed.

The other Power extends to the drawing of *Lines* around any *City, Town,* or *Place,* and conſequently around the *Cities* of *London* and *Weſtminſter*; the very Apprehenſions of which, upon the leaſt *Rumour* of a Plague, would diſperſe the *Rich,* and by that means (as well as by hindring the free Acceſs of *Proviſions*) *Starve* the *Poor, ruin Trade,* and *deſtroy* all the *Remains* of *Private and Publick Credit.*

II. Becauſe ſuch Powers as theſe are utterly unknown to our *Conſtitution,* and repugnant, we conceive, to the Lenity of our mild and free Government, a tender Regard to which was ſhewn by the Act *Jac.* I. which took care only to confine infected Perſons within their *own Houſes,* and to ſupport them under that *Confinement,* and lodg'd the Execution of ſuch Powers ſolely in the *Civil Magiſtrate*; whereas the Powers by us excepted againſt, as they are of a more extraordinary Kind, ſo they will probably (and ſome of them muſt neceſſarily) be executed by *Military Force:* And the *violent* and *inhumane* Methods which on theſe Occaſions may, as we apprehend, be practiſed, will, we fear, rather draw down the Infliction of a new Judgment from Heaven, than contribute any ways to remove that, which ſhall then have befallen us.

III. Becauſe

III. Becauſe we take it, theſe Methods were copy'd from *France*, a Kingdom whoſe Pattern, in ſuch Caſes, *Great Britain* ſhould not follow; the Government there, being conducted by *Arbitrary Power*, and ſupported by *Standing Armies*; and to ſuch a Country, ſuch Methods do, in our Opinion, ſeem moſt ſuitable. And yet even in that Kingdom the Powers, thus exerciſed of late, have been as *unſucceſsful* as they were *unprecedented*: So that no Neighbouring State hath any Encouragement from thence, to follow ſo fatal an Example. In the laſt Plague with which we were viſited, *Anno Dom.* 1665, though none of theſe Methods were made uſe of, much leſs *Authoriſed* by *Parliament*; yet the Infection, however great, was kept from ſpreading itſelf into the remote Parts of the Kingdom: Nor did the *City of London*, where it firſt appear'd, and chiefly rag'd, ſuffer ſo long or ſo much, in Proportion to the Number of its Inhabitants, as other Cities and Towns in *France* have ſuffer'd, where theſe *cruel Experiments* have been try'd.

IV. Becauſe, had ſuch Part of the Act, as we think ſhould be *Repealed*, been accordingly Repealed, there would ſtill have remained in it a *general Clauſe*, which gives the Crown all Powers neceſſary to prevent the Spreading of Infection, and conſequently theſe very Powers among the reſt, if they ſhall be found neceſſary: And therefore there is no need, we conceive, to have them expreſly granted in the ſame Act of Parliament, which ſeems not only to *Warrant*, but in a particular manner to *preſcribe* and *direct* the Uſe of them.

V. Becauſe, the great Argument urg'd for continuing theſe Powers ſpecified in the Queſtion (that they would probably never be put in Execution in the Caſes objected to) ſeems to us a *clear Reaſon*, why they ſhould not be *continued*; for we cannot imagine why they ſhould ſtand *enacted*, unleſs they are intended to be *executed*; or of what Uſe it will be to the Publick, to keep the Minds of the People perpetually *alarm'd* with thoſe Apprehenſions under which they now labour, as appears by the *Petition* from the *City of London*, lately *Rejected*. It may be an Inſtance of our great Confidence in His Majeſty's Wiſdom and Goodneſs, when we truſt him with ſuch Powers *unknown* to the *Conſtitution*; but we think it ill becomes us to repoſe ſuch *Truſt*, when it tends, in our Opinion, rather to render him *Terrible*, than *Amiable* to his Subjects; and when the only Advantage he

can

can (as we conceive) draw from the *Truſt* repoſed in him, is not to make Uſe of it.

| | | |
|---|---|---|
| W. *Ebor*, | *Aberdeen*, | *F. Roſſen*, |
| *Boyle*, | *F. Ceſtrienſis*, | *Guilford*, |
| *Trevor*, | *Uxbridge*, | *Gower*, |
| *St. John* of *Bletſoe*, | *North* and *Grey*, | *Ailesford*, |
| *Strafford*, | *Bingley*, | *Cowper*, |
| *Weſton* | *Bathurſt*, | |

---

*Die Martis* 19. *Decembris* 1721.

THE Houſe (according to Order) proceeded to take into further Conſideration, His Majeſty's Moſt Gracious Speech from the Throne.

A Motion was made, *That an humble Addreſs be preſented to His Majeſty, to deſire that he will be graciouſly pleaſed to give Orders, That the Inſtructions given to Sir* George Bing, *now Lord Viſcount* Torrington, *in relation to the Action againſt the* Spaniſh *Fleet in the* Mediterranean, *may be laid before this Houſe.*

And a Queſtion being ſtated thereupon after Debate, the ſaid Queſtion be put,

It was Reſolved in the Negative.

Content 24. Not Content 67.

*Diſſentient.*

I. BECAUSE not finding any Inſtance on ſearch of our Journals, We believe there is none, wherein a Motion for Admirals Inſtructions to be laid before the Houſe, has been denyed but on the Contrary, there are many Precedents of Inſtructions of a like Nature, and in ſtronger Caſes, as We conceive, Addreſſed for by the Houſe, and ſeveral in point for Inſtructions given to Admirals, particularly to Sir *George Rock*, and Sir *Cloudſley Shovell*, nor does it ſeem to Us at all material, Whether the Conduct of ſuch Admirals, had or had not been blamed before ſuch Inſtructions were asked for, ſince the Sight of Inſtructions may be previouſly and abſolutely neceſſary to inform the Houſe, whether their Conduct be blameable or not.

II. Becauſe We think it highly reaſonable, that theſe Inſtructions ſhould be laid before this Houſe, upon which the Action of the *Britiſh* againſt the *Spaniſh* Fleet in the Mediterranean was founded, without any previous Declaration of War, and even whilſt a *Britiſh* Miniſter, a Secretary of State was Amicably treating at *Madrid*, which Court might Juſtly con-

clude

clude itſelf ſecure from any Hoſtile Attack during the continuance of ſuch Negotiations.

III. Becauſe till We have a Sight of thoſe Inſtructions, and are able to Judge of the Reaſons on which they are founded, the War with *Spain*, in which that Action of our Fleet involved Us, does not appear to Us ſo juſtifiable as We could wiſh; And yet it was plainly prejudicial to the Nation in ſundry Reſpects, for it occaſioned an entire Interruption of Our moſt valuable Commerce with *Spain*, at a Time when *Great Britain* needed all the Advantages of Peace to extricate itſelf, from that heavy National Debt it lay under, and as it deprived Us of the Friendſhip of *Spain*, (not eaſily to be Retrieved) ſo it gave Our Rivals in Trade, an Opportunity to inſinuate themſelves into their Affections; And We conceive, that to that War alone is owing the ſtrict Union there is at preſent betwixt the Crowns of *France* and *Spain*, which it was the Intereſt of *Great Britain* to have always divided; an Union which in its Conſequences may prove fatal to theſe Kingdoms.

Nor does it appear, that *Great Britain* has had any Fruits from this War, beyond its being reſtored to the ſame Trade, We had with *Spain* before we began it.

| | | |
|---|---|---|
| *W. Ebor.* | *Aberdeen*, | *North* and *Grey*, |
| *Fr. Ceſtrienſis*, | *Briſtol*, | *Boyle*, |
| *Strafford*, | *St. John Bletſo*, | *Weſton*, |
| *Guilford*, | *Bathurſt*, | *Scarſdale*, |
| *Aylesford*, | *Cowper*, | *Uxbridge*, |
| *Trevor*, | *Foley*, | *Compton*, |
| *Gower*, | | |

[ Price Six Pence. ]

WELLCOME LIBRARY INSTITUTE